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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,563	12/18/2001	Gianluigi Gamberini	377/9-1633	2679

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EXAMINER

TRAN, LOUIS B

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,563

Applicant(s)

GAMBERINI, GIANLUIGI

Examiner

Louis B Tran

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pair of endless belts being claimed, for example in claim 3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Moreover, the square elements of claim 20 are not clearly depicted in the drawings. Clarification is required.

Specification

2. The disclosure is objected to because of the following informalities: on page 7 line 17 refers to "the Figure". However, it is unclear as to what figure is being referred to.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3721

4. Claims 3-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 3, and throughout the claims there is reference to a pair of strip-like endless belts; however, in the specification, as in page 8, lines 3-17, the pair is not shown in its entirety in any of the drawings provided.

In claim 20, line 2, the recitation "square pulling elements" is not depicted within the drawing to enable one skilled in the art to see a "square" element. As shown, there is no element with four equal sides used for pulling. Clarification is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 18 recites the limitation "the front heads" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3721

Claims 3-11, recite the limitation "strip-like" throughout the claims. This is indefinite because the claims include elements not actually disclosed encompassed by "-like", thereby rendering the scope of the claims unascertainable.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over ^{Benz et al.} Kramps (4,738,078) in view of Schmermund (3,385,026).

Benz et al. discloses the invention substantially as claimed including a machine for packaging including a first line 2 for conveying and separating stacks of multiply articles of paper, a working station 5 for wrapping stacks for multiply articles of paper, a second line 20 for feeding stepwise heat-weldable wrapping sheets to the working station, each sheet being placed and kept vertically in a waiting position in the working station, a third line 6 including an upstream section fed stepwise with stacks by the first line, and passing crosswise through the working station, the third line moving at least one stack towards the sheet, so that the sheet gradually folds around the stack or stacks longitudinal contour

Art Unit: 3721

while overlapping parallel edges of the sheet are heat-welded as Benz et al. states is known in prior art in column 1, lines 47-68. ,

Benz et al. does not explicitly show a first means and second means designed for receiving a wrapping sheet from conveying means situated upstream, for pulling said sheet to said working station, for clamping said sheet in said working station in at least one upper area, and a keeping means cooperating with said first means to allow said sheet to pass through said working station and to be stabilized while dwelling therein.

However, Schmermund teaches the use of a first means 9 and second means 16 (seen in Figure 1) designed for receiving a wrapping sheet from conveying means situated upstream, for pulling said sheet to said working station, for clamping said sheet in said working station in at least one upper area, and a keeping means, suction feature described in column 2, line 34 (as in claim 12), cooperating with said first means to allow said sheet to pass through said working station and to be stabilized while dwelling therein as seen in Figure 3 (as in claim 1), wherein said second means cooperate with said first means to clamp said sheet in said working station in at least a lower area and an upper area as in Figure 3 (as in claim 2), for the purpose of retaining a sheet in the correct position as in column 1, lines 5-60.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a specific retaining means in order to retain a sheet in a wrapping process.

Art Unit: 3721

9. Claims 3-6, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ~~Kramps~~ *Benz et al* (4,738,078) in view of Schmermund (3,385,026) in view of Draghetti (5,845,464).

With respect to claims 3 and 5, the modified device of ~~Kramps~~ *Benz et al* teaches the invention as claimed including first strip-like endless belts having inner runs cooperating with said keeping means, said first pair of strip-like endless belts 8 (in Schmermund) being mounted around relative wheels and spaced apart to engage, when operated synchronously, corresponding edges of a surface of said sheet, said first belts forming a straight section passing through at least said station, as in Schmermund Figure 2, folding means situated downstream of said shaped profile and designed to fold the sheet along flaps and turned upstream of a front head of the stack as in figures 1 and 6 (as in claim 18) but does not show said second means including at least one pair of second strip-like endless belts mounted around wheels and spaced apart to engage, when operated synchronously and with the same speed as said first strip-like endless belts, corresponding edges of another surface of said sheet facing said second strip-like endless belts said second strip-like endless belts defining a straight section situated in the upper part of said working station (as in claim 3), while said lower section includes at least one pair of third strip-like endless belts, mounted around wheels and operated synchronously and with the same speed as said first strip-like endless belts to engage the same edges of the sheet surface which are engaged by said second strip-like endless belts, said third strip-like endless belts facing the lower part of said straight section of the first strip-like endless belt and

Art Unit: 3721

being spaced apart from said second strip-like endless belts to define a window through which said stack passes (as in claim 5).

However Draghetti teaches the used of, said second means 32 include a second strip-like endless belts mounted around wheels and spaced apart to engage, when operated synchronously and with the same speed as said first strip-like endless belts as in column 1, lines 35-60, corresponding edges of another surface of said sheet facing said second strip-like endless belts said second strip-like endless belts defining a straight section situated in the upper part of said working station as seen in Figure 3 (as in claim 3), while said lower section includes at least third strip-like endless belts 33, mounted around wheels and operated synchronously and with the same speed as said first strip-like endless belts to engage the same edges of the sheet surface which are engaged by said second strip-like endless belts, said third strip-like endless belts facing the lower part of said straight section of the first strip-like endless belt and being spaced apart from said second strip-like endless belts to define a window (in the area of item 3) through which said stack passes (as in claim 5) for the purpose of feeding sheets as in column 4, lines 41-55.

Therefore, it would have been obvious to one having ordinary skill in the art to provide the modified device of Kramps with a second strip like endless belt in order to drive the wrapping material. *Benz et al*

Although Draghetti does not teach the second conveyor belt to be in pairs, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide two strip belts, since it has been held that mere

Art Unit: 3721

duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Moreover, as stated above, Schmermund does teaches the use of strip pair belts and their common equivalent use in the art with standard conveyor belts.

With respect to claims 4 and 6, the modified device of ~~Kramps~~ *Bonz et al.* teaches at least one pair of wheels around which said second strip-like endless belt is mounted, said one pair being situated in said working station but does not expressly show wheels being adjustable vertically to adjust the height of a window through which said stack passes. *Bonz et al.*

However, the modified device of ~~Kramps~~ teaches the utility of adjustable conveyor belts to accommodate the change in size of a package as in column 4, lines 36-49.

Therefore, it would have been obvious to provide adjustability in conveyor wheels of the second strip-like endless belt.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide adjustable conveyor wheels, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954)

With respect to claim 11, Draghetti further teaches wherein said keeping means extend downwards, so as to keep the maximum possible size of the sheet adherent to the inner run of the first strip-like endless belt as seen in Figure 3 for the purpose of maintaining a sheet as in column 4, lines 41-55.

Art Unit: 3721

Therefore it would have been obvious to provide the modified device of Kramps with a keeping means similar to Draghetti in order to improve the suction means.

10. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over ~~Kramps~~ (4,738,078) in view of Schmermund (3,385,026) in view Hammacher et al. (5,309,697). *Bonz. et al.*

The modified device of ~~Kramps~~ *Bonz. et al.* teaches the disclosed invention as claimed but does not show square pulling elements having bases and wing elements, with said bases hinged to an outer ring extending vertically, said bases being also connected to an inner ring extending vertically, and with said wing elements always kept in vertical position, whereas each base is connected to said inner ring in a removable way, so as to allow said base to be disengaged from the inner ring, if stresses acting on said wing overcome a predetermined value (as in claim 20), wherein said pulling elements of said first line are operated with a speed variable with respect to a predetermined medium value, and the instant speed is reduced with respect to said medium value when a stack of articles coming from the connected feeding channels is introduced into the first line.

However, Hammacher et al. teaches the use of square pulling elements having bases and wing elements 314, with said bases hinged to an outer ring extending vertically, said bases being also connected to an inner ring extending vertically, and with said wing elements always kept in vertical position, whereas each base is connected to said inner ring in a removable way, so as to allow said

Art Unit: 3721

base to be disengaged from the inner ring, if stresses acting on said wing overcome a predetermined value (as in claim 20), wherein said pulling elements of said first line are operated with a speed variable with respect to a predetermined medium value, and the instant speed is reduced with respect to said medium value when a stack of articles coming from the connected feeding channels is introduced into the first line (as in claim 21) as seen in Figures 5 and 6 for the purpose of transporting articles as in column 1, lines 4-67.

Therefore it would have been obvious to one having ordinary skill in the art to provide a transporting means in order to effectively transfer products.

Allowable Subject Matter

11. Claims 7-10, 13-17, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Nilsson, Cahill et al., Mizutani, Boriani et al., Clayson et al., Elvers et al., Schmermund ('870), and Focke et al. ('041).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

Art Unit: 3721

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

lbt
January 27, 2003

A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a long horizontal flourish extending to the right.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700